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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,764	07/09/2003	Heiko Mauersberger	016072-001300US	2287

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EXAMINER

DALEY, CHRISTOPHER ANTHONY

ART UNIT PAPER NUMBER

2111

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,764	Applicant(s) MAUERSBERGER ET AL.	
	Examiner Christopher A. Daley	Art Unit 2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 2, and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (US20030025729 in view of Iwatani (US6725295).

4. As to claim 1, Davis discloses a device for data communication between a first host device or a further host device and at least one client device on a shared transmission path having:

a first host device , which includes a host application (figure 1 of first host device 106 with application 110);

at least one further host device , which includes a host application (Davis teaches in figure 1 with a plurality of host devices (server 106 comprises a plurality of devices containing application 110, page 2, paragraph 0028);

at least one client device which includes a client application (Figure 1 illustrates client device 104 comprising application 108, page 2, paragraph 0029);

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a bus control module is provided (Figure 1, network 102); the host devices and the client device(s), as well as the bus control module, are connected to one another by the transmission path for exchanging data and/or signals with one another and the bus control module being implemented to control the access of the host devices to the data bus (Figure 1 illustrates a network 102 that coupled the element together via a bus, page 2, paragraph 0031).

Davis does not disclose the data bus is implemented as a data bus representing a ring connector.

However, Iwatani teaches of the transmission path is implemented as a data bus representing a ring connector.

Figure 2 illustrates a fibre channel network, which is loop-type in nature that couples host devices to client devices, COL. 5, lines 1 – 7. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Davis and Iwatani as this affords flexibility in connection of multiple host devices with multiple client devices, COL. 2, lines 12 – 21. The modification would have been obvious because one having ordinary skill in the art would want to use the fibre channel communication interface of figure 1 to achieve maximum connection flexibility (Col. 13, lines 1 - 4).

5. As to claim 2, Davis discloses the device according to claim 1, characterized in that the first and/or the further host devices in particular the host application have a

processor (Server 106 of figure 1 can comprise a plurality of servers. It is well known in the art that servers comprise processors).

6. As to claim 4, Davis discloses the device according to claim 1, the host devices each have a master application interface module, which is linked in the transmission path (figure 1 illustrates a application module, 110, which would comprise said interface, page 2, paragraph 0031).

7. As to claim 5, Davis discloses the device according to claim 4, characterized in that the host devices each have a master application module, which connects the particular host application to the assigned master application interface module (Master application module is instant messenger module 110. The mechanism built into the server 106 allows for the enablement of a chat session between host and client, page 1, paragraph 0014).

8. As to claim 6, Davis discloses the device according to one of the preceding claims, characterized in that each client device has a client application interface module, which is linked in the transmission path and is connected to the assigned client application (figure 1 illustrates client 104 comprising of application 108 coupled to the network 102. The apparatus is said interface is captured in application module, page 2, and paragraph 0032).

9. As to claim 7, Davis discloses a method of data communication between a first host device or a further host device and at least one client device on a shared transmission path, implemented s a data bus representing a ring connection, having the following steps (figure 3 teaches initializing chat session in step 304);

opening a communication connection between a host application running on the host device and a client application running on the client device (Step 304 of figure 3);

transmitting arbitration information on the transmission path along the opened communication connection, the arbitration information containing data, on the basis of which the transmission path is reserved for a predetermined time interval or for a predetermined data volume for a subsequent data transmission on the data bus along the opened communication connection (With multiple hosts and clients, an arbitration scheme during initialization would take place at step 304 of figure 3, page 4, paragraph 0051);

transmitting data and/or signals between the host application and the client application and/or between the client application in the host application on the data bus along the opened communication connection (Steps 306 – 312 shares a process that would demonstrate said function, page 4, paragraph 0051);

Iwatani teaches in Figure 2 of a fibre channel network, serving a data bus connection provider, which is loop-type in nature that couples host devices to client devices, COL. 5, lines 1 – 7.

Claims 8 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Iwatani and in further view of Kleewein et al (US6360225) hereinafter Kleewein.

10. As to claim 8, Davis/Iwatani do not explicitly disclose the method according to claim 7, characterized in that the arbitration information is transmitted as an arbitration block having arbitration data which includes information about the length of the predetermined time interval or about the extent of the predetermined data volume for the subsequent data transmission;

(However, Kleewein teaches of the method, characterized in that the arbitration information is transmitted as an arbitration block having arbitration data, which includes information about the length of the predetermined time interval or about the extent of the predetermined data volume for the subsequent data transmission. Arbitration by selecting from a plurality of connections is illustrated in figure 3, step 308, and the length of time aka resource needs in step 310. It would have been obvious to one of ordinary skill in the art to combine the teachings of Davis/Iwatani with Kleewein to get the details of computer system resource usage. The modification would have been obvious because one having ordinary skill in the art would want to optimize system usage (Col. 2, lines 20 - 31);

11. As to claim 9, Kleewein discloses the method according to claim 8, characterized in that the arbitration block has activity data which includes information

about the current state of the transmission path, from which it may be concluded whether the transmission path is currently being used for data transmission (checking the connections to the databases to determine which ones are free or active that client specific request can be established as illustrated in figure 3)

12. As to claim 10, Kleewein discloses the method according to claim 7, characterized in that, in the event of an access wish of a host application to the transmission path, the following steps are performed:

the master application interface module assigned to the host application accepts the arbitration block present on the transmission path, reads out the activity data, checks, on the basis of the activity data, whether the transmission path is currently free for data transmission, writes, if the transmission path is free, activity data in the arbitration block which indicates use of the transmission path by the host application, and transfers the arbitration block to the bus control module via the transmission path (said steps in figure 3, COL. 6, line 64 – COL. 8, line 53);

upon which the bus control module reserves the transmission path for the access by the host application (establishing connection, and checking to see if additional connections are requested, but holds connection if warranted in 412 of figure 4).

13. As to claim 11, Kleewein discloses the method according to claim 10, characterized in that, after termination of a data transmission, the activity data in the arbitration block is reset by the master application interface module and the

transmission path is thus released again (figure 8 illustrates freeing the connection to be used by other transaction).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Daley whose telephone number is 571 272 3625. The examiner can normally be reached on 9 am. - 4p m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571 272 3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAD
1/13/06


REHANA PERVEEN
SUPERVISORY PATENT EXAMINER
1/19/06